

# **EXHIBIT 142**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION  
4

5 Civil Action No. 1:17-cv-02989-AT  
6

7 \_\_\_\_\_  
8 DONNA CURLING, et al.,

9 Plaintiffs,

10 vs.

11 BRAD RAFFENSPERGER, et al.,

12 Defendants.  
13 \_\_\_\_\_

14 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

15 EDWARD H. LINDSEY, JR.

16 DATE: August 31, 2022

17 TIME: 9:34 a.m. to 11:46 a.m.

18 LOCATION: Witness location  
19

20 REPORTED BY: Felicia A. Newland, CSR

21 Veritext Legal Solutions

22 1250 Eye Street, N.W., Suite 350

Washington, D.C. 20005

1 cooperative. That's all I'm saying.

2 BY MS. SWANBECK:

3 Q Okay. Fair enough.

4 When did you learn about the  
5 litigation, this case?

6 A Oh, it was probably shortly after I  
7 got appointed. This, along with numerous other  
8 cases, I was basically told, "Congratulations on  
9 your appointment, you're about to be sued multiple  
10 times."

11 Q And when were you appointed?

12 A Whatever the Friday before the second  
13 Tuesday in January was. It was the second Monday  
14 of January it was.

15 MS. SWANBECK: I'm going to introduce  
16 the first exhibit, Tab 1 as Exhibit 1.

17 (Lindsey Deposition Exhibit Number 1  
18 marked for identification.)

19 BY MS. SWANBECK:

20 Q And just looking at the cover page of  
21 this report here, do you recognize this report?

22 A I'm generally -- I've seen it before,

1           yes.

2                   Q       You have seen it before?

3                   A       Yes.

4                   Q       When did you first see it, do you  
5       remember?

6                   A       I do not. It's been a while, but I  
7       have seen it before.

8                   Q       Were you aware that the Plaintiffs in  
9       this case provided this report to your counsel in  
10      July of last year?

11                  A       I don't know the exact date. I know  
12      that -- that both sides have exchanged expert  
13      reports over the course of this litigation. I  
14      don't -- I don't know the exact times.

15                  Q       Because it was provided in July of  
16      last year, why didn't you review it earlier?

17                           MR. DENTON: Object to form.

18                           THE WITNESS: I think I just said  
19      that I reviewed it earlier than -- than now, but I  
20      was appointed in January this year.

21      BY MS. SWANBECK:

22                  Q       So you didn't review it earlier

1           because you hadn't been appointed. Is that fair to  
2           say?

3                       MR. DENTON: Object to form.

4                       THE WITNESS: I think that would be  
5           fair to say.

6           BY MS. SWANBECK:

7                       Q       Did the report raise any concerns to  
8           you about Georgia's voting system?

9                       A       It raised questions for me, as well  
10          as any type of report that I see that -- that  
11          raises questions regarding our system, yes.

12                      Q       What kinds of questions did it raise  
13          for you?

14                      A       Well, I want to -- you know, it  
15          raised questions regarding that, both in terms of  
16          his pointing out as to potential vulnerabilities  
17          and as to his conclusions. It also prompted me to  
18          take a look at what some other people had said as  
19          well.

20                      Q       And do you recall what else you  
21          looked at?

22                      A       Generally speaking, I think I've seen

1       some analysis by other experts in this case. I've  
2       seen the report by CISA. And I've seen the -- I've  
3       seen of -- I haven't actually seen the report, I'd  
4       like to see the report, from the experts that were  
5       retained by Dominion that apparently issued a  
6       report in May of this year. So I've either seen  
7       reports or seen -- or heard of various reports with  
8       different conclusions.

9               Q       What did you think after seeing all  
10       of those reports?

11              A       Well, like any other system of  
12       voting, there are vulnerabilities, and the State  
13       needs to be aware of vulnerabilities and take  
14       necessary steps to minimize it. You know, with any  
15       election, or with any voting system, there's always  
16       going to be potential vulnerabilities, whether it  
17       be hand ballots or some of the earlier versions of  
18       eVoting or the -- or this one, we have to be  
19       consciously aware of potential vulnerabilities and  
20       be constantly asking questions as to how those  
21       vulnerabilities can be minimized.

22              Q       Do you know what steps the State of

1 recommendations?

2 A Yes.

3 Q Is that because you've read this  
4 advisory previously?

5 A Yes.

6 Q Do you know if the State of Georgia  
7 followed any of these recommendations to mitigate  
8 the vulnerabilities identified in the advisory?

9 A I am in the process now as a board  
10 member seeking information about whether they have  
11 responded to these or have come up with reasons why  
12 it's not necessary. That would be the best way I  
13 could answer that.

14 Q So you are actively seeking that  
15 information of what -- what steps have been taken?

16 A And -- or that matter -- yeah, what  
17 need to be taken and whether or not -- and how  
18 secure our system is given the questions that were  
19 raised by CISA, yes.

20 Q Could you say specifically so far  
21 what the State of Georgia has done to mitigate each  
22 of these vulnerabilities?

1                   A        I -- I think it would be better to  
2                   ask the State of Georgia that question. I have  
3                   been -- I've been talked -- I've had people talk in  
4                   generalities to me regarding safeguards that they  
5                   believe are sufficient. I have asked for a hearing  
6                   on this matter to -- for them to be able to address  
7                   to reassure the people of Georgia that the system  
8                   is secure. That would be the best way I could  
9                   answer that question.

10                  Q        And has that hearing been scheduled?

11                  A        Not yet.

12                  Q        Who have you asked for the hearing?

13                  A        The Chair.

14                  Q        Who did you talk to about the steps,  
15                  or potential steps, for mitigation?

16                  A        I've talked with -- in addition to  
17                  counsel, I have also talked with the state election  
18                  head. And I've talked to Gabe Sterling. And I've  
19                  also talked within the Secretary of State's office.  
20                  I believe that's it.

21                  Q        Who's the state election head?

22                  A        You're going to find pretty quickly

1           that I'm lousy on names. And I apologize. I know  
2           them well and -- but as I'm sitting here today  
3           being deposed, he's well known to both sides. And  
4           I do apologize, but I'm -- I'm lousy sometimes with  
5           names.

6                   Q       Is that Mr. Harvey? Does that ring a  
7           bell?

8                   A       No, that's not Mr. Harvey.

9                   Q       Or Blake Evans.

10                  A       That's him.

11                  Q       Blake Evans?

12                  A       Yeah. Thank you. Sometimes I'm  
13           going to need to phone a friend here when it comes  
14           to names.

15                  Q       Are you aware of any specific steps  
16           the State has taken, other than generalities, can  
17           you name any specific steps that the State has  
18           taken on mitigation?

19                  A       I would hesitate to try to say that  
20           at this time.

21                  Q       Why?

22                  A       Because my memory may not be as good

1 as it should be when it comes to technical matters.

2 Q Are you satisfied that the State is  
3 working to mitigate these vulnerabilities?

4 A I'm satisfied as to their good-faith  
5 efforts, yes. Am I satisfied as to whether or not  
6 we've done everything possible? I reserve that  
7 until I hear from everybody.

8 Q Who else do you want to hear from?

9 A Well, anybody that wants to provide  
10 certain expertise. Like I said, I would like to  
11 see the report from the Dominion expert. Once  
12 again, I need to phone a friend here in terms of  
13 the name of the company, which is also highly  
14 recognized. And I would like to look more fully at  
15 some of the other experts in the case. And -- and  
16 I'll go back and look again at your expert's  
17 deposition or your expert's report.

18 Q You stated just now that you asked  
19 for a hearing for the purpose of assuring the  
20 public that the system is secure. How --

21 A Yes.

22 Q -- can you believe that the system is

1           What exactly safeguards are in place in order to  
2           keep that exploitation from taking place? And what  
3           exactly was in place to be able to detect what that  
4           exploitation does? Those are the questions that I  
5           have.

6                   Q           Given that the November elections are  
7           coming up pretty quickly, how will you evaluate  
8           those safeguards that you've been describing in  
9           time to determine whether they are enough to secure  
10          the election?

11                  A           Well, I'm -- I'm working on it. And,  
12          quite frankly, the Secretary of State's office, I  
13          know, is working on it. And -- and, quite frankly,  
14          I hope that you guys are working on it. So between  
15          all of us, I hope that we can show confidence to  
16          the -- to the people that the 2022 election is --  
17          the results will be accurate.

18                  Q           Are you aware of any specific steps  
19          that have been taken to address these safeguards?

20                  A           I know that --

21                               MR. DENTON: Object to form.

22                               THE WITNESS: I'm sorry. Thank you.

1 hearing sometime in September.

2 BY MS. SWANBECK:

3 Q Do you expect to have the information  
4 that you need by the November 2022 elections?

5 A Yes.

6 MR. DENTON: Object to form.

7 BY MS. SWANBECK:

8 Q What would you -- what would you do  
9 if the investigation showed that the system was not  
10 secure?

11 A Well, that once again calls for  
12 speculation. I believe that the system -- based on  
13 everything that I've seen, including the various  
14 reports that I've seen, or the various reports that  
15 I've heard of, including the reports from CISA, the  
16 report that I've heard of from Dominion, the -- the  
17 conclusions of our experts that this is an issue  
18 that is soluble. I do believe that to be true,  
19 based on the -- based on the totality of what I've  
20 heard so far.

21 What exactly that is, I can't tell  
22 you at this point, but based on everything that

1 I've seen and heard from -- from a wide range of  
2 individuals is I believe this is an issue that --  
3 that -- that we can deal with.

4 Q So the CISA report, and the other  
5 reports that you've mentioned, were published a  
6 while ago before the -- the news of the Coffee  
7 County breach came out as a public matter.

8 Do you believe -- does this -- sorry,  
9 strike that.

10 Does the fact that the Coffee County  
11 data was breached or -- was breached, does this not  
12 change your opinion in -- in any way, given that  
13 those reports don't reflect on such a -- such a  
14 massive breach?

15 MR. DENTON: Object to form.

16 THE WITNESS: The question is how  
17 massive the breach was, Counselor, and whether or  
18 not it can be rectified. My understanding is that  
19 these are issues that can be. Let's -- let's see  
20 though.

21 BY MS. SWANBECK:

22 Q How do you believe they can be

## CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



---

FELICIA A. NEWLAND, CSR  
Notary Public

My commission expires:

September 15, 2024